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## VIA FACSIMILE AND EMAIL

June 9, 2008

Andrew Kochanowski, Esq.  
Sommers Schwartz, P.C.  
2000 Town Center, Suite 900  
Southfield, MI 48075

Re: NetJumper Software, L.L.C. v. Google Inc.  
Our Ref.: 21238-001LL1



Dear Andy:

ATLANTA

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MUNICH

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SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

I write regarding discovery scheduling, which looks to be quite tight.

We would like to take Mr. Green's deposition on June 23, 30 or July 1. We assume this deposition will be in Boston and we can offer our office for this purpose. We would also like to take Mr. Kitchen's deposition on June 18, 19 or 24. We can offer our NYC office for his deposition. Please promptly inform us of their availability for deposition, and contact me regarding document production for these experts.

As you know, Google identified Edward Mendelson as a prior art fact witness in its trial witness list. (Dkt. No. 57.) He is the author of the PC Magazine article relied upon by Dr. Hardin in his expert report on invalidity. NetJumper denied that this prior art reference is authentic, that it is prior art at all, and presumably that it depicts features of the state of the art systems at the time. (See NetJumper's 1st Amended Answers to Google's First Set of RFAs, Nos. 50-51.) Prof. Mendelson, as our motion to stay notes, has a conflict with the July 22 trial date. We would like to take his deposition after June 13 in Machias, Maine to preserve his trial testimony. Please promptly notify us if NetJumper objects to Google taking Prof. Mendelson's testimony now for use at trial and whether you have any present conflicts that would preclude us from taking his deposition on any particular day.

Very truly yours,

Jason W. Wolff

JYW/lqm